

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID BROWN,	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, <i>et al.</i>,	:	NO. 18-1126
Defendants.	:	

ORDER

AND NOW, this 18th day of April, 2018, upon consideration of Brown's Amended Complaint (ECF No. 4), Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 5), Letter to the Court (ECF No. 7), and the Court's Order of April 9, 2018 (ECF No. 6), it is ORDERED that:

1. The Court's April 9, 2018 Order is VACATED.
2. Brown's Motion for Leave to Proceed *In Forma Pauperis* is GRANTED.
3. Brown's Amended Complaint is DISMISSED without prejudice for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum with the exception of Brown's claims against Officers McCafferty and Kolb.
4. Brown is given leave to file a second amended complaint within thirty (30) days of the date of entry of this Order. If Brown files a second amended complaint, he shall name all defendants in the caption of the second amended complaint. Any individual or entity that is not listed in the caption will not be treated as a defendant. The second amended complaint must also provide as much identifying information for the defendants as possible. Brown may refer to a defendant by last name only if that is

the only identifying information possessed. If Brown wishes to name individuals for whom he does not have any identifying information, he may refer to those individuals as John Doe #1, John Doe #2, etc. The second amended complaint must also describe how each defendant, including any John Doe or Jane Doe defendants, were responsible for violating Brown's rights. If Brown does not file a second amended complaint, the Court will direct service of his Amended Complaint on Officers McCafferty and Kolb only. If Brown files a second amended complaint, the Clerk shall not make service until so ORDERED by the Court.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.